



Board for Judicial Administration (BJA) Meeting

Friday, May 19, 2017 (9 a.m. – 12 p.m.)

AOC SeaTac Office, 18000 International Blvd, Suite 1106, SeaTac

MEETING MINUTES

BJA Members Present:

Chief Justice Mary Fairhurst, Chair
Judge Scott Sparks, Member Chair
Judge Scott Ahlf
Judge Bryan Chushcoff
Judge Scott Collier
Ms. Callie Dietz
Judge George Fearing
Judge Blaine Gibson
Judge Janet Garrow
Judge Judy Rae Jasprica
Judge Mary Logan
Judge G. Scott Marinella
Judge Bradley Maxa (by phone)
Judge Kevin Ringus
Justice Charles Wiggins
Judge Lisa Worswick

Guests Present:

Ms. Kimberly Allen
Ms. Barbara Christensen
Ms. Ishbel Dickens (by phone)
Mr. Paul Sherfey (by phone)

Public Present

Dr. Page Carter

AOC Staff Present:

Ms. Lynne Alfasso
Ms. Misty Butler
Ms. Sharon Harvey
Mr. Steve Henley
Mr. Brady Horenstein
Mr. Dirk Marler
Mr. Ramsey Radwan
Ms. Caroline Tawes

Judge Sparks called the meeting to order.

March 17, 2017 BJA Meeting Minutes

It was moved by Judge Ringus and seconded by Judge Garrow to approve the March 17, 2017 BJA meeting minutes. The motion carried.

Recognition of Incoming and Outgoing Members

Judge Sparks recognized outgoing members Judge Garrow, Judge Worswick, and Judge Marinella. He also recognized Ms. Dickens' last meeting as a representative of the Access to Justice Board. Judge Sparks welcomed incoming Superior Court Judges' Association (SCJA) President-Elect Judge Gibson.

Public Trust and Confidence Committee

As chair of the Public Trust and Confidence Committee (PTC), Chief Justice Fairhurst reported on completed projects since the last report in July 2016 and what is new with the Committee.

- The Committee completed a Public Service Announcement (PSA) video to encourage response to jury duty. Although there is still some work to do, a link to an English and a Spanish version is on the Washington Courts Web site, and it is available to stream through the courts. TVW has distributed the PSA to Telemundo and Comcast Digital.

- The PTC is reviewing and repackaging past projects of the Committee, including updating a *Local Government* handout and a children's book. The book, *What's Happening in Court*, has been broken into three sections, for grades first through third, grades fourth through eighth, and grades eighth through twelfth, based on what is pertinent to each age group. AOC staff member Ms. Gini Niles has been updating the text and graphics. The PTC will have three final versions ready for approval at the Committee's August meeting.
- Judge Maxa chairs the Judges in the Classroom Project subcommittee which has updated the lesson plans and created a new lesson on trademarks. The PTC is sending reminders to all potential faculty judges that these materials are available, and also encouraging judges to reach out to schools.

Judge Garrow mentioned a program called Nepris that she learned about through LinkedIn. The program connected, through Skype, Judge Garrow with a classroom in Texas. The entire interaction lasted about 20 minutes, not including preparation time. Judge Garrow thought this might be a good way to connect judges with Washington schools. Chief Justice Fairhurst will pass this information on to the Civic Learning Initiative chairs.

- The Judicial component of the Legislative Scholars Program is continuing. The PTC will present a half-day program on July 18 as part of the four-day Legislative Scholars Program.

The PTC has established subcommittees for additional projects, including a subcommittee for the Access to Justice Public Education Campaign for the Public. The subcommittee is working on a PSA with TVW, and looking for a funding partner.

The Procedural Justice subcommittee is working on how people feel when they are in the courtroom.

The Legal Scholars program is ongoing.

The Implicit Bias against Religious Minorities subcommittee initially focused on Muslim bias, but given other groups' focus on this subject, they are looking for a different focus.

A subcommittee to support the Civic Learning Initiative is co-chaired by Ms. Margaret Fisher. This subcommittee is on hold waiting for a specific assignment. The PTC is ready to help in any way. Justice Sotomayor will be attending a summit sponsored by the Civic Learning Initiative the third week of January 2018.

The PTC has one in-person meeting annually and meets every other month by phone.

BJA Strategic Initiatives Charter Discussion

Judge Garrow said this is a follow-up discussion from the March BJA meeting. Following the March BJA meeting, the Policy and Planning Committee (PPC) worked to develop the charters

for the Court Education and Interpreter Funding taskforces and they are presenting them to the BJA for possible approval.

The Court Education Funding Taskforce (CEFT) is being presented as a BJA led initiative. The Interpreter Service Funding Joint Taskforce (ISFJT) is being presented as a possible joint taskforce with the Supreme Court Interpreter Commission instead of just a BJA led initiative. Chief Justice Fairhurst thought a joint charter made sense and would avoid a disconnect in the future. Judge Ann Schindler would like to move forward with the joint designation. Chief Justice Fairhurst suggested approving the joint charter at this meeting because this is the last meeting for Judge Garrow.

Judge Joe Burrows has indicated that he's willing to serve as the co-chair of the CEFT, although there was interest expressed in identifying a co-chair to assist. The co-chairs for the ISFJT will be Justice Steven Gonzáles (Interpreter Commission), Judge Michael Downes, and a district/municipal court judge (TBD).

There was a recommendation to adopt the charters.

It was moved by Judge Ringus and seconded by Chief Justice Fairhurst to suspend the rules and consider approving the charters. The motion carried.

It was moved by Judge Ringus and seconded by Judge Garrow to approve the ISFJT charter. The motion carried.

Judge Jasprica expressed some concerns about the CEFT Charter. She wanted to make sure there is no duplication of effort with the BJA Court Education Committee. She would like to explore the deliverables and reporting to make sure committees are not working at cross purposes. She also asked why there is not a BJA PPC member on the taskforce.

Judge Garrow recommended that there not be a PPC member on the taskforce because the taskforce should not be populated with BJA members. Judge Sparks pointed out that the CEFT has a recommended membership list but the Interpreter Commission taskforce does not. Mr. Henley pointed out that overlapping membership with the BJA and the Interpreter Commission would be important to creating connections across silos.

Mr. Radwan pointed out both taskforces are funding initiatives and there is no budget representative on either one. Chief Justice Fairhurst suggested adding financial staff to the taskforces.

Chief Justice Fairhurst asked if Judge Garrow would rather wait on approval of the charters and if she had specific recommendations. She asked if need more edits. Judge Garrow said there needs to be a skeleton for the charters so the groups have a vision. The key is to get the chairs selected, and the members and staff support chosen. It may take until August to get the taskforces populated. If the charters need to be tweaked, the BJA should be open to doing that.

Judge Sparks asked what role the PPC had in the taskforces. Judge Garrow suggested the CEFT should consult with the PPC but report directly to BJA.

Judge Jasprica suggested it was important that the CEFT report to the PPC. Chief Justice Fairhurst said the PPC is in a supportive role; the PPC should be looking forward to the next steps. Judge Garrow asked if the reporting function should be removed, and Chief Justice Fairhurst suggested talking about this at the PPC meeting today and deciding on it at the next meeting.

Judge Ahlf suggested the CEFT chair should be the PPC co-chair. Judge Garrow thought it would be helpful if the CEFT chair or co-chair be identified in the charter, and the discussion could continue next month with a refined CEFT charter. Chief Justice Fairhurst agreed, with the addition of Mr. Radwan or other financial staff as a member.

It was determined that the PPC would discuss the recommended changes during their meeting today and present the changes to the charters during the June BJA meeting.

There was a friendly amendment by Chief Justice Fairhurst and seconded by Judge Garrow to amend the charters to include a member with budget expertise and adopt the language of Section VI in the CEFT charter into the ISFJT charter. The motion carried.

Language Access Resolution

The Language Access Services in Court resolution automatically expires after five years. The resolution will expire this year on July 20 unless it is renewed. Through a letter, Judge Schindler requested that the BJA renew the resolution. Several letters of support were included in the meeting materials.

Justice Sheryl McCloud, in a letter supporting the renewal, also requested that the translation of court forms related to the protection of victims of domestic violence and sexual assault be prioritized as part of the action steps of the resolution. If the language in the resolution is not changed, the BJA can reauthorize during the BJA meeting. If the resolution is revised, there is a multi-step process to approval.

Judge Garrow said the PPC discussed the revision, and recommended a discussion if a revision is requested. There is a custom for BJA to discuss an agenda item at one meeting and approve it at the next meeting. There was a discussion on suspending the custom and approving the revised resolution at this meeting. There is a time constraint as the Interpreter Commission is printing materials soon and this resolution is referenced in the materials.

It was moved by Judge Collier and seconded by Judge Chushcoff to suspend the custom and re-adopt the Language Access Services in Court resolution. The motion carried.

BJA Legislative Update

Judge Ringus commended Mr. Horenstein for his good work with the Legislature and court associations this year.

Mr. Horenstein said the end of the first special legislative session is near, and he anticipates a second special session. Most of the Legislature will not be in town for the second session. The members working on the budget and the *McCleary* work group are in town now and working.

Early in the special session the House passed HB 1783, the legal financial obligations (LFO) reform bill. The bill is still alive, although unlikely to pass the Senate. It would be good for the BJA to discuss LFOs in the future to make sure everyone is on the same page regarding policies and challenges for AOC.

The Senate passed SB 5866, establishing a tax court. The bill has not been considered in the House yet, but is still alive.

HB 1285, which would make interpreter oaths permanent, was signed by the Governor.

The Judicial Stabilization Trust Account surcharge was extended and is ready for final action.

HB 1139, expanding the Office of Public Guardianship service, passed the House but died in the Senate.

Overall, the legislative session was positive. Chief Justice Fairhurst and Mr. Horenstein met with key leadership and committee members. They plan to meet with attorney members of the Legislature next year. They also plan to meet with legislators in their home districts.

Chief Justice Fairhurst announced that Mr. Nick Brown, the Governor's general counsel, is leaving and the Governor's office will be recruiting for that position.

Budget Update

Mr. Radwan referred to the budget snapshot for the Washington Judicial Branch included in the meeting materials. The information has not changed significantly since March. Neither the House nor the Senate budget is very good for the Judicial Branch. The good news is that revenue collection was up between April 11 and May 11, and up 1.6% since the March forecast. Mr. Radwan thought the Judicial Branch has done a good job of communicating its needs. There was great cooperation among the lobbyists for the District and Municipal Court Judges' Association (DMCJA), the SCJA, the Supreme Court, and the Court of Appeals.

Chief Justice Fairhurst said the legislative group discussed priorities, and she was given a list of legislators to speak to, which was helpful. Mr. Radwan and Mr. Horenstein did a great job, and everyone was collaborative and cooperative, which worked to our benefit.

Judge Garrow asked about the funding for the Courts of Limited Jurisdiction Case Management System (CLJ-CMS). Mr. Radwan said it is funded by a payback to the Judicial Information System (JIS) account.

Branch Budget Review

Mr. Radwan reviewed the process for the 2018 supplemental budget. There is a supplemental budget in even years for mandatory or unforeseen workload changes, new programs, or loss of funding. Funding in odd years is generally for urgent bills. Chief Justice Fairhurst and Ms. Dietz

met with Mr. Radwan to propose a pilot for a modified supplemental process. This would be a pilot program this year.

The process for the 2018 supplemental budget will begin soon. Budget requests will be submitted to the Legislature in October 2017. The process could be improved by broadening the base for decision making. The Chief Justice proposed a Court Funding Committee (CFC) consisting of the five members of the Supreme Court Budget Committee, three members of the BJA Budget and Funding Committee (BFC), and three representatives from the JISC (one from each court level). This would provide a forum for sharing information and setting priorities. Both the entire BJA and the Supreme Court would receive reports from the CFC.

JISC budget requests will also go through the CFC. In the past the JISC funds did not affect the General Fund, but this has changed and will continue to change in upcoming years as JIS funds are swept by the Legislature. The AOC will still edit the requests, and the rest of process will be the same. The only difference is the new CFC will be the body that sets priorities and has the final word. Groups previously made budget presentations only to the Supreme Court but in this pilot program there would be only one report to the CFC so everyone would have the same information.

Chief Justice Fairhurst said there has been some frustration about what happens at the Court Budget Committee. It is also important to return funds to the JISC that were swept to fund the Expedited Data Exchange (EDE) project through the General Fund. All groups would understand the reasons why some budget items are removed from the request list or are reduced.

Budget requests for the Supreme Court, State Law Library, Court of Appeals, Office of Public Defense (OPD), and Office of Civil Legal Aid (OCLA) are not part of this process and will be processed as they have in the past.

There was a discussion on JISC members voting on General Fund issues. Chief Justice Fairhurst pointed out that the three JISC members would come from court associations and part of the JIS budget overlaps the General Fund. JISC members would see the budget presentations and take that information back to the association members. Chief Justice Fairhurst will have further discussions with the BFC about the concerns over JISC members voting on General Fund issues. Judge Chushcoff objected to having JISC representatives voting on judicial branch funding. He also suggested that JISC be under BJA's supervision beginning in a few years. This is only a proposal and can be refined. Chief Justice Fairhurst welcomed further comments.

Court Level Update

Courts of Limited Jurisdiction: Judge Marinella said the DMCJA has 210 judges and there are 240 district and municipal courts. There are several courts that have consolidated or contracted with other courts.

Adequate court funding is the first priority. A new Courts of Limited Jurisdiction Case Management System (CLJ-CMS) is the second priority. There is no question that a new case management system is needed. The courts of limited jurisdiction handle approximately 80% of all cases in the state. Judge Marinella is pleased with the CLJ-CMS project, and the DMCJA

has recently approved \$30,000 to fund pro tempore coverage so judges can participate in the procurement process. They hope to have a vendor named by the end of June 2017. The priority of the Trial Court Advocacy Board (TCAB) is to revitalize Justice in Jeopardy in order to address additional funding for trial courts. This will take time and effort but will benefit cities and counties.

The DMCJA Public Outreach Committee is helpful in promoting the needs of the CLJ courts to the Legislature.

The DMCJA has worked with others to get a court security rule passed. In March, the Washington Supreme Court adopted General Rule 36, the new Trial Court Security Rule, as well as minimum standards for courthouse safety.

The DMCJA Board of Governors (Board) retreat was last week and there were discussions on maintaining judicial independence, losing judicial positions, and closing municipal courts. A judicial independence fire brigade was created to handle these issues.

The DMCJA is active in the Senate Bill (SB) 6360 Statewide Relicensing Program Workgroup. Judge Elizabeth Bejarano, SeaTac Municipal Court, is their representative on the SB 6360 Workgroup. There are two draft proposals from the workgroup that will be considered at the next DMCJA Board meeting in June.

Judge Marinella expressed concern about the constant attack on judicial discretion. He suggested that all judges may want to be aware of their discretion being usurped by people outside the judicial branch. For example, a proposed amendment to CR 55 and CRLJ 55, Default Judgment, impacts judicial discretion.

Judge Marinella said the DMCJA is a healthy organization and it is a pleasure to represent them. He also thanked Ms. Harvey for her service to the DMCJA, and encouraged anyone with questions to contact her.

Standing Committee Reports

Court Education Committee (CEC): Judge Jasprica said the CEC met in March. They also had a great retreat with 39 participants and a good sharing of ideas and information. Since the retreat, there have been two meetings with their consultant, Dr. John Martin, one to debrief about the retreat and the second to discuss projects. The CEC is working on developing a coordinated approach to education, and establishing a knowledge repository and where to put that repository.

She also noted the AOC Web site has been updated to remove references to the Board for Court Education (BCE) and add CEC. The CEC is also seeking a second grant to move forward with the next steps.

Policy and Planning Committee (PPC): Judge Garrow reviewed the work of the PPC on the BJA strategic initiatives.

Judge Garrow said it has been a pleasure serving on the BJA and is available for questions. Chief Justice Fairhurst noted that Judge Garrow will not be at the next BJA meeting and thanked her for her hard work.

Chief Justice Fairhurst and the BJA members also thanked Judge Worswick and Judge Marinella for their work.

Ms. Dietz said Ms. Harvey, Ms. Alfasso, and Ms. Skreen are attending the BJA meeting to facilitate communication with the associations they represent, and to further the goal of the judicial branch to speak with one voice. It is important to have staff who connect AOC and the associations, as well as support the president and president-elect of the associations. She also thanked Ms. Tawes for substituting for Ms. Beth Flynn.

Information Sharing

Ms. Butler said next month the BJA will elect a member chair. She pointed out the BJA Private Account quarterly update under Tab 10 in the meeting materials.

Ms. Dickens announced the Access to Justice Conference in Yakima June 2–4. Chief Justice Fairhurst and others will be speakers. Ms. Dickens asked the judges to encourage their colleagues to attend.

Justice Wiggins said the Minority and Justice Commission is presenting a program next Wednesday morning on jury diversity in Washington. The program will be at the Temple of Justice from 9 a.m. to noon. Today is the last day to register and those interested may contact Justice Wiggins for information. Chief Justice Fairhurst mentioned the program will be broadcast by TVW.

There being no further business, the meeting was adjourned. The next meeting is June 16.

Recap of Motions from the May 19, 2017 Meeting

Motion Summary	Status
Approve the March 17, 2017 BJA meeting minutes.	Passed
Suspend the rules and consider approving the charters.	Passed
Approve the Interpreter Service Funding Taskforce Charter.	Passed
Amend the charters to include a member with budget expertise and adopt the language of Section VI in the CEFT charter into the ISFJT charter.	Passed
Suspend the custom and re-adopt the Language Access Services in Court resolution.	Passed

Action Items from the May 19, 2017 Meeting

Action Item	Status
<u>March 17, 2017 BJA Meeting Minutes</u> <ul style="list-style-type: none"> • Post the minutes online. • Send minutes to the Supreme Court for inclusion in the En Banc meeting materials. 	Done Done

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Action Item	Status
<u>BJA Strategic Initiatives Charter Discussion</u> <ul style="list-style-type: none">• The Policy and Planning Committee will incorporate suggested changes to charters and report back to the BJA during the June 16 meeting.	Done
<u>Legislative Update</u> <ul style="list-style-type: none">• During a future BJA meeting discuss the Legal Financial Obligations bills to create shared understanding and action.	
<u>Branch Budget Review</u> <ul style="list-style-type: none">• Court Funding Committee: Chief Justice Fairhurst will have further discussions with the Budget and Funding Committee about the concerns over JISC members voting on General Fund issues.• Ms. Butler will follow up with Chief Justice Fairhurst.	
<u>Information Sharing</u> <ul style="list-style-type: none">• The BJA will elect a member chair from DMCJA next month. Add to June BJA meeting agenda.	Done
<u>Language Access Resolution</u> <ul style="list-style-type: none">• Update the expiration date and upload to the BJA Web site.	Done